

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALVIN HOWARD,)
)
Plaintiff,)
)
vs.)
)
LEO A. WHITESIDE, an individual,)
PATRICIA L. WHITESIDE, individually) Case No. 4:10CV0013 CAS
and as Trustee of the PATRICIA)
WHITESIDE REVOCABLE TRUST)
DATED 12-20-1987, and MISSOURI)
BONE AND JOINT CENTER, INC.,)
a Missouri Corporation,)
)
Defendants.)

MOTION FOR LEAVE TO FILE OUT OF TIME

Comes now plaintiff, ALVIN HOWARD, by and through his undersigned attorneys, and for his Motion for Leave to File Out of Time, states as follows:

1. Defendant, Patricia L. Whiteside, filed her Motion to Dismiss Plaintiff's Complaint on March 4, 2010.
2. Under the Local Rules of this Court, Plaintiff's Response in Opposition to the Motion to Dismiss was due on March 11, 2010.
3. Plaintiff's failure to timely file his Responses was an oversight, and apologizes to the Court for the failure to comply with the Local Rules.
4. Plaintiff seeks leave of the Court to file *instanter* his Response in Opposition to the Motion to Dismiss out of time and an order directing the Court Clerk to detach the Response in Opposition from this Motion and file such Response in this matter.
5. Defendants will not be prejudiced by this short delay in filing.
6. Plaintiff's Response in Opposition is attached hereto.

WHEREFORE, Plaintiff, Alvin Howard, respectfully prays this Court for leave to file his Response in Opposition to Defendant Patricia L. Whiteside's Motion to Dismiss Plaintiff's Complaint *instanter*, an order directing the Court Clerk to detach the Response and Opposition from this Motion and file such Response in this matter, and for such further relief as this Court deems just and reasonable.

KNAPP, OHL, GREEN & MARRON

By: /s/ John A. Bruegger
JOHN A. BRUEGGER, #112204
Attorneys for Plaintiff
6100 Center Grove Road
P.O. Box 446
Edwardsville, IL 62025
(618) 656-5088
(618) 656-5466 FAX
E-mail: jab@knappohlgreen.com

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2010, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Larry E. Parres
Grant R. Doty
Lewis, Rice & Fingersh, L.C.
500 North Broadway, Suite 2000
St. Louis, MO 63102
lparres@lewisrice.com
gdoty@lewisrice.com
Attorney for Patricia L. Whiteside, Individually and as Trustee of the Patricia Whiteside Revocable Trust Dated 12-20-1987

David T. Streett
Herren, Dare & Streett
1051 North Harrison Avenue
St. Louis, MO 63122
dstreet@hdsstl.com
Attorney for Dr. Leo Whiteside

J. Talbot Sant, Jr.
Armstrong Teasdale LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102-2740
jsant@armstrongteasdale.com
Attorney for Missouri Bone and Joint Center, Inc.

KNAPP, OHL, GREEN & MARRON

By: /s/ John A. Bruegger
JOHN A. BRUEGGER, #112204
Attorneys for Plaintiff
6100 Center Grove Road
P.O. Box 446
Edwardsville, IL 62025
(618) 656-5088
(618) 656-5466 FAX
E-mail: jab@knappohlgreen.com